

ZB# 82-9

Brady/Harris/Smith

4-1-11.2

82-9 - Brady | Harris | Smith - use variance

Prelim. Meeting

Sept. 13, 1982 -

Applications 4-1-11, 2
furnished.

P.H. - October 25, 1982

✓ Notice mailed to Sentinel 9/29/82

OCPD heard from ✓

Town Planning Bd.

Boy #
03-68

General Receipt 5003

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Received of Smith-Brady Harris October 26 19 82 \$ 50.00

Fifty no/100 DOLLARS

For opening application 82-9.

DISTRIBUTION:

FUND	CODE	AMOUNT
check#		50.00
3684		

By Pauline Townsend
Town Clerk (244)
Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt 4986

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Received of Rider Drake, Sommer + Loeb PC. Sept. 29 19 82 \$ 25.00

Twenty Five and 00/100 DOLLARS

For Variance List

DISTRIBUTION:

FUND	CODE	AMOUNT
\$25.00 Check		

By Pauline G. Townsend E.C.
Town Clerk
Title

Williamson Law Book Co., Rochester, N. Y. 14609

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

GLADYS SLOAN BRADY and RUTH SLOAN HARRIS,

DECISION GRANTING
USE VARIANCE

82-9 .

-----x
WHEREAS, GLADYS SLOAN BRADY and 9074 142nd St., North,
RUTH SLOAN HARRIS of Largo, Florida and

R.D.#5, Box 163C, Kingston, N.Y., have made application before the
Zoning Board of Appeals for a use variance for the purposes of:
construction of building to house office and light industry in R-4 zone
and

WHEREAS, a public hearing was held on the 25th day of
October, 19 82 at the Town Hall, 555 Union Avenue, New
Windsor, New York; and

WHEREAS, applicants appeared by their attorney, Richard J.
Drake, Esq., of Rider, Drake, Sommers & Loeb P.C., Newburgh, N.Y.; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The evidence shows: that property is located in R-4 (residential) zone and is located at an extremely busy commercial interchange and zoned OLI (office-light industry) directly to the west of said property;
3. The evidence shows: that property has been in the hands of brokers for sale as residential property for the past four/five years and remains unsold for residential purposes.

4. The evidence shows: that the character of the land and its location create an unnecessary hardship to applicants to sell or develop the premises as residential.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.


NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance as applied for and in connection with plans presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: November 8, 1982


Chairman

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date September 13, 1982

To J & H Smith Light Corporation

~~Previous~~ owner Gladys Brady and Ruth Harris

PLEASE TAKE NOTICE that your application dated September 9, 1982

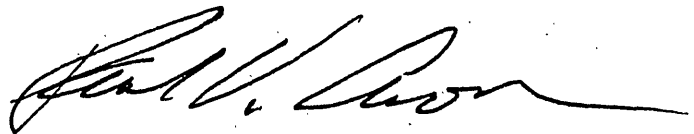
for permit to build building

at the premises located at Rt. 207 (4-1-11.2)

is returned herewith and disapproved on the following grounds:

R-4 Zone Need Use Variance for Office and light industrial

building located Rt. 207



Building Inspector

Dick
Drake,
Atty -
Lou
Geras-
Stephan

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 9

Request of GLADYS SLOAN BRADY and RUTH SLOAN HARRIS for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit the construction of an office building to permit light assembly work.

being a VARIANCE ~~SPECIAL PERMIT~~ of Section 48-9 (R-4 zone), Table of Use Regs.-Col. 1 for property situated as follows:

Intersection of Temple Hill Road a/k/a Freedom Road and Route 207, Town of New Windsor, N.Y.

SAID HEARING will take place on the 25th day of October, 1982, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

C&F - 10/25/82 ZBA.

Appraisal Services Company

828 Broadway
Newburgh, N.Y. 12550
(914) 565-5444

October 25, 1982

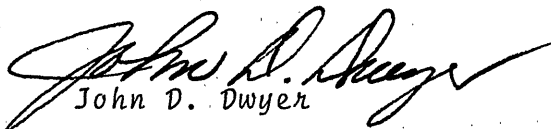
Rider, Drake, Sommers, Loeb, P.C.
427 Little Britian Road
Newburgh, New York 12550

ATT: Richard J. Drake, Esq.

Dear Mr. Drake:

I have prepared a market study of property owned by Mrs. Gladys Sloan Brady and Mrs. Ruth Sloan Harris located at the intersection of Temple Hill Road and Little Britian Road in the Town of New Windsor, New York. The results of this study are contained in the attachment to this letter. Should any further information be required regarding this property, please do not hesitate to call upon me.

Sincerely,


John D. Dwyer

JDD:cd

Appraisal Services Company

828 Broadway
Newburgh, N.Y. 12550
(914) 565-5444

October 25, 1982

Ms. Gladys Sloan Brady
9074 142nd Street
North Largo, Florida 33501

Ms. Ruth Sloan Harris
R.D. #5, Box 163C
Kingston, N.Y. 12401

Mr. Joseph Smith
10 Chestnut Lane
Newburgh, N.Y. 12550

Dear Clients:

In accordance with your request, I have made an examination of the above captioned property located at the intersection of Temple Hill Road and Little Britian Road. The purpose of my assignment is to determine if the property is of a nature that will permit its development according to use for which it is zoned.

DESCRIPTION OF THE PROPERTY

The property consists of approximately 3 acres of vacant land generally level at road grade and heavily wooded. The configuration is rectangular giving road frontage along both roads. Its location is within the Town of New Windsor and subject to the Zoning Ordinance of the township.

ZONING

Current zoning for the property is designated R-4. Permitted uses for this zoned area are the same as those designated for other residential zones, namely one family detached dwellings, places of worship, public elementary and high schools, two family dwellings, and additional uses by special permit of the Board of Appeals. Permitted accessory uses include home professional office or studio. Additional information is contained in the Zoning Ordinance to specific requirements for the intended permitted uses.

AREA ANALYSIS

Examination of properties in the immediate area indicates a mixed use to the north, west and south. Zoning includes PI, OLI, R-4 and R-2. The R-2 zoned area is primarily taken up by Lake Washington. The PI zoning to the south and west of the subject, follows Little Britian Road and Temple Hill Road. The OLI segment includes lands to the north along Little Britian Road and west of Union Avenue. Most of the properties are currently being used for commercial or industrial activities. This trend is expected to continue.

AREA HISTORY

Properties closest to the subject are being used as single family homes. This use is also seen along Little Britian Road in areas zoned PI. Other properties formerly used as single family homes are currently used for office space. These properties show use by lawyers, accountants, employment agencies, etc.

New Windsor Gardens, a residential community consisting of approximately 200 homes was developed in the mid 1950's and generally completed in the early 1960's. Further residential development continued to the east along Union Avenue in the late 1960's and early 1970's. Since that time, residential development of single family homes has been non-existent. Other development for commercial use has been prevalent along Temple Hill Road. Development of the property now occupied by the YWCA is probably the most recent construction. Other industrial and commercial development has taken place on both the east and west side of Temple Hill Road, also known as Freedom Road. An industrial park is in process of development with access from Little Britian Road. Union Avenue between Little Britian Road and Route 17K has also experienced similar development. Enactment of zoning changes as well as indications of changing use, has been experienced by residential properties which were built in the 30's, 40's, and 50's. Many of the properties west of the Union Avenue interchange along Little Britian Road have been converted from residential utility to commercial use.

APPRAISAL PROCESS

In analyzing the use of any property, consideration is given to its highest and best use. A study of market influences is necessary. The following factors are the basis for highest and best use:

1. Permitted Use
2. Possible Use
3. Legal Use
4. Feasible Use
5. Probable Use

Permitted Use - The Zoning Ordinance would typically identify those permitted uses.

Possible Use - Permitted uses are further examined as to location or topographical influences.

Legal Use - Considerations would be examined deed or survey restrictions, as well as building code and zoning specifications.

Feasible Use - These would be determined by market demands.

Probable Use - This would determine the highest and best use.

PROPERTY ANALYSIS

The subject property is situated in the R-4 Zoned District. Permitted use is for single family residence. This is also a possible and a legal use. Feasible use, however, would be limited since development in the area for single family homes has not been the trend of development for a number of years. Other trends in the area have been directed towards commercial or industrial development. The location, topography and overall size of the site would not be fully used for a single family house. The lot is typically larger than that required for residential use. To subdivide the property would not necessarily enhance its use for residential development. I make this determination due to the heavy traffic flow on both Little Britian Road and Temple Hill Road. The traffic would create a hinderance to its use for residential development. Its use for other types of development must, therefore, be considered, otherwise a hardship is created. If these uses in fact transcend zoning regulations, then variance from the zoning must be considered. Influences of variances should also be examined as they effect other properties.

Examples are currently in the area of mixed uses, some of which predated zoning. Properties on Little Britian Road, and those of the New Windsor Gardens Development have commercial or industrial activity closeby. One example is the Newburgh Superior Packing Company, located off Little Britian Road close to residential homes. Other properties with commer-

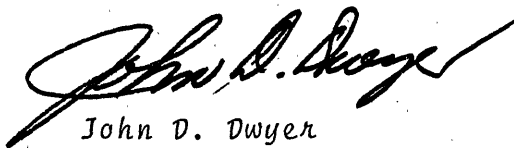
Richard J. Drake, Esq.
Page Four
October 25, 1982

cial activity are situated on the south side of Union Avenue, east Temple Hill Road. If these properties were to be negatively influenced by this mixed use, values would be depressed in the market place. This is not the case as home values have appreciated at the same rates as those of other area subdivisions. The subject property, due to its location, size and configuration, would be more suited to fit the needs of the market place and those uses of the OLI or PI Zoned Districts which closely surround this location. Since the property has been available for sale for a number of years and undeveloped, it further shows the unwillingness of the buying public to purchase this property for single family home use.

CONCLUSION

I have made a thorough examination of the subject property, the current market and trends of the market. It is my opinion that the highest and best use of the property would be more closely related to the OLI and PI Zoned Districts than the R-4 Zoning. To restrict its use to residential would create a hardship in development allowed by zoning. The land is larger than that required. Its location is at a major intersection with heavy traffic flow. Market trends do not indicate a need for residential sites. Many approved subdivisions have vacant lots available, more suited for residential development. These have not been absorbed by the market. Recent development in the area has been toward commercial and industrial use.

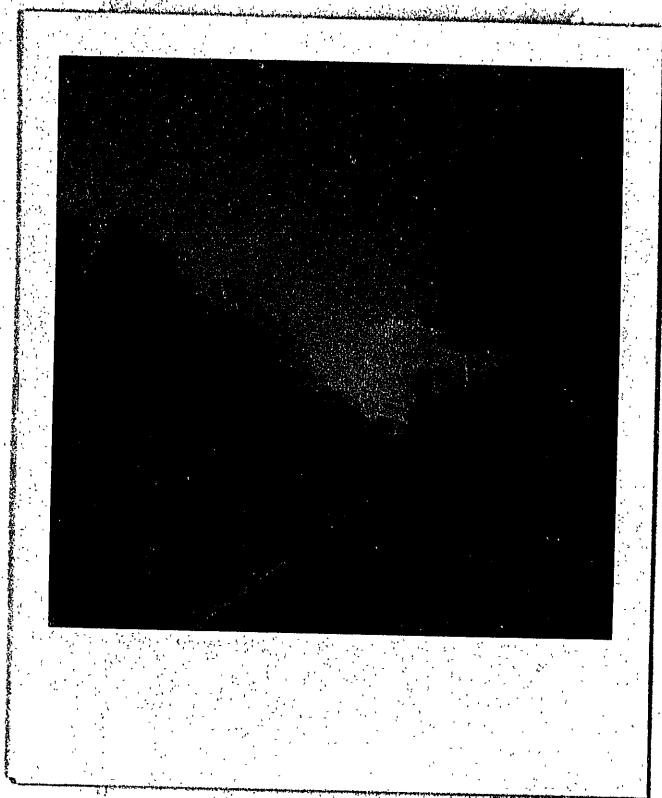
Sincerely,



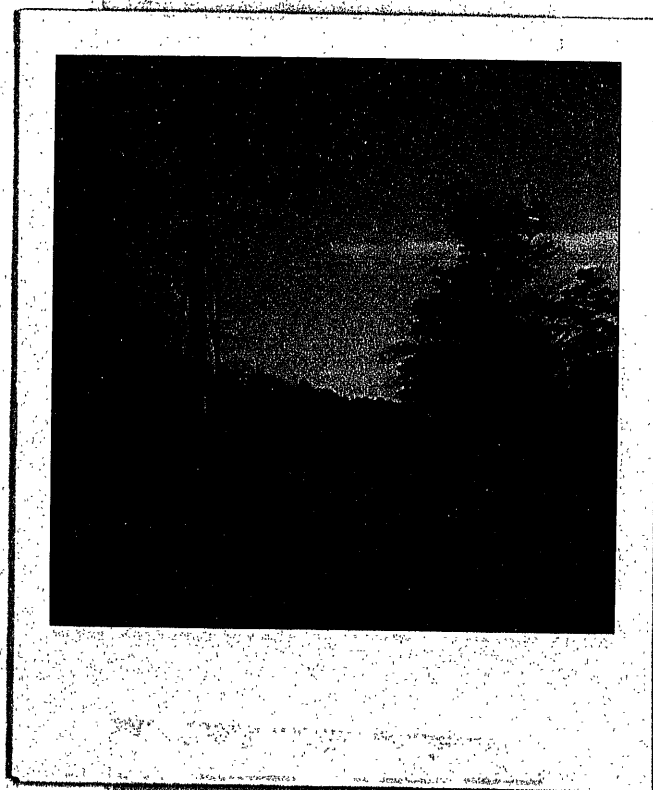
John D. Dwyer

JDD:cd

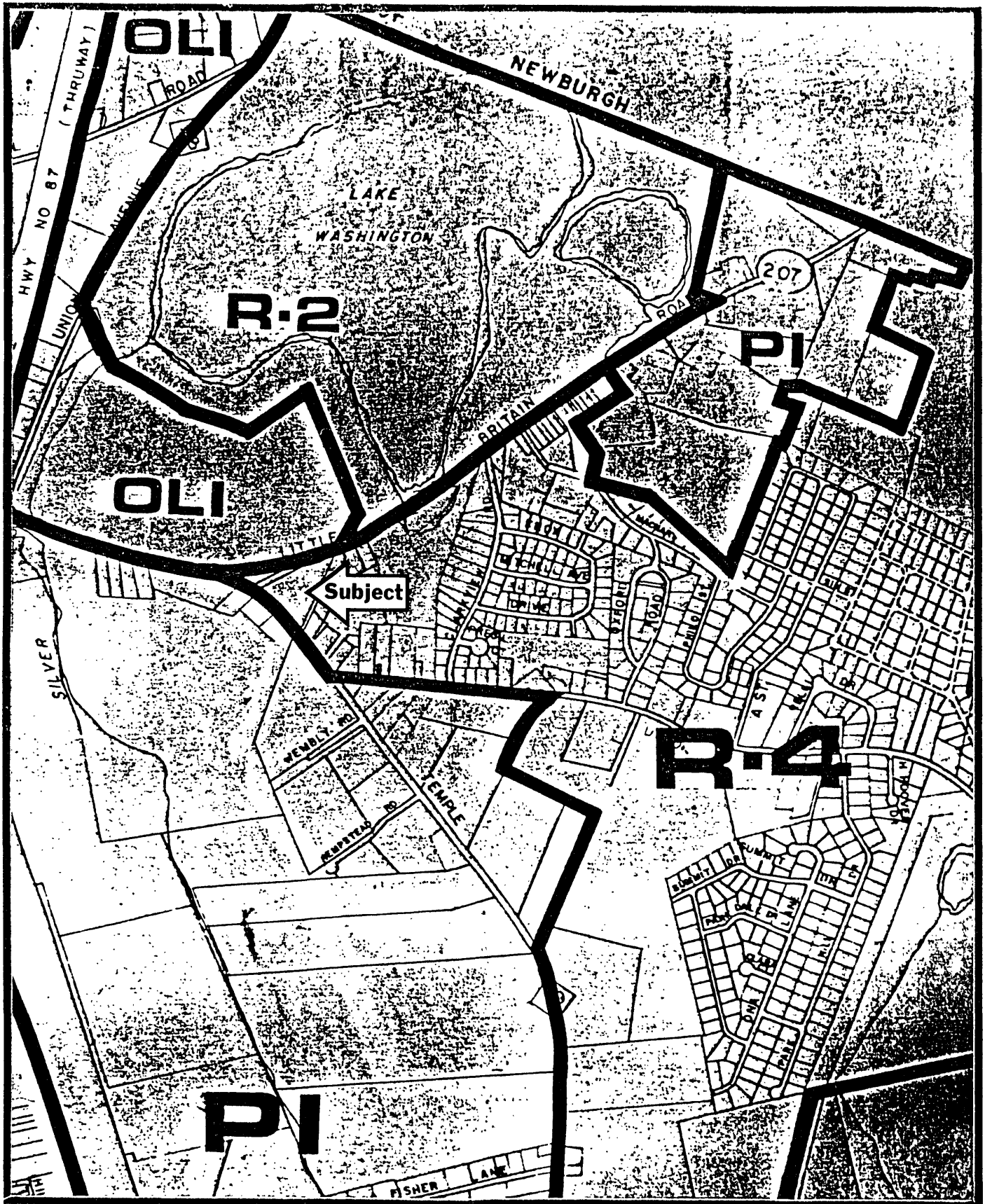
SUBJECT PROPERTY



FACING EAST



FACING SOUTH



Maple State Graphics Inc. © Copyright 1978

Zoning Map

JOHN D. DWYER

APPRAISER'S QUALIFICATIONS

MEMBERSHIPS AND AFFILIATIONS:

Orange County Board of Realtors
President 1981

National Association of Realtors

New York State Association of Realtors
Chairman, Education Committee - 1980 and 1981
Chairman, Professional Development Committee - 1982
GRI Designation - 1973
Licensed Real Estate Broker

New York State Appraisal Society - Member

Society of Real Estate Appraisers - Associate Member

Local Chapter 123 - Board of Directors

American Institute of Real Estate Appraisers
Candidate - MAI

EDUCATION:

University of Notre Dame - B.S. Degree 1953

Ulster County Community College
Graduate Realtors Institute Courses I, II, III 1972-73

State University at New Paltz
Society of Real Estate Appraisers - Course 101
Introduction to Appraising Real Property 1973

Upsala University, East Orange, New Jersey
Society of Real Estate Appraisers - Course 201
Principles of Income Property Appraising 1974

New York State Association of Realtors
Faculty Training Clinic 1975-76-78-79

Real Estate Appraisal Foundation
Feasibility - Real Estate Market Analysis 1977

Solar Workshop for the Financial Community 1979

National Association of Realtors
Instructor Development Workshop 1980

American Institute of Real Estate Appraisers
Standards of Professional Practice 1982

INSTRUCTOR REAL ESTATE

Orange County Community College
Graduate Realtors Institute, New York State, Senior Instructor
Mt. St. Mary's College, Newburgh, N.Y.
Real Estate Training Center of New York, Inc.
Long Island Board of Realtors

EXPERIENCE:

Has appraised all types of residential property, apartment buildings, office buildings, commercial and industrial buildings, farms and vacant land during the past ten years.

Has given testimony in court as an expert witness in certiorari, bankruptcy, deficiency and condemnation proceedings.

Has made appraisals for financial institutions, attorneys, trustees, investors, accountants, insurance companies, major corporations, home guarantee programs and others. Here listed are a few selected employers.

A. GENERAL

A. T. & T.
American Felt & Filter
Anheuser Busch Co., Inc.
AVCO Financial Service
Barclays American Financial
Beneficial Finance Company
Boscobel Restorations, Inc.
C. T. I. Corporation
City of Newburgh
Cousins Relocation
Dalan Adjustment Corporation
Employee Transfer Corporation
Equitable Life Assurance Corporation
Equitable Relocation Service
Executrans
Finance America
1st National Bank of Highland
Friendly Ice Cream Corporation
General Electric Credit Corporation
General Foods Federal Credit Union
Government Service Administration
Highland National Bank
Homequity/Homerica
Household Finance Corporation
INA Corporation
Intercounty Mortgagee Corporation
Inter-County Savings Bank
International Paper Company
Marine Midland Bank
Merrill Lynch Relocation Corporation
Metropolitan Transit Authority

A. GENERAL (Con't.)

N.Y. Property Insurance Underwriting Assoc.
N.Y. Telephone
Olin Corporation
Otis Elevator Corporation
Phillips Petroleum Corporation
Presbytery of Hudson River
RSR Corporation
Relocation Realty Service Corporation
Signal Finance of N.Y., Inc.
Town of Newburgh
Town of New Windsor
Town of Shawangunk
TransAmerica Relocation
U. S. Army Corps of Engineers
U. S. Chess Federation
Van Relco, Inc.
Utica Fire Insurance Company
Westinghouse Electric
West Point Credit Corporation
Wm. A. Volpe Co., Inc.
Yellow Freight Corporation

B. ATTORNEYS

Anthony Austria
Beck & Galati
Bloom & Bloom
Duggan & Crotty
James M. Fedorchak
Finkelstein, Mauriello, Kaplan & Levine
Greenblatt, Forrester & Axelrod
Julius L. Hoyt
Tanelli, Parlin & Gross
Kopald & Kopald
Rider, Drake, Sommers, Loeb, P.C.
Pagones & Cross
Ira A. Pergament
Roskoski & Pacione
Stewart Schantz
Isadore Shapiro
David Tower
Otis Waters

C. AREAS OF APPRAISAL EXPERIENCE - NEW YORK STATE

Counties: Orange, Dutchess, Putnam, Rockland, Westchester,
Sullivan, Ulster, Greene, Onondaga, Albany, Rensselaer.

FACTUAL STATISTICAL AND REFERENCE INFORMATION

As an efficient appraisal plant I also have access to the following:

An up-to-date set of subdivision and tax map records.

An up-to-date set of area zoning maps and ordinances.

City Maps showing existence of underground utilities.

Flood Hazard Boundary Maps

Maintenance of sales transactions by subdivisions and street name, effective dates of sale and current listings.

Current community statistics referring to retail sales, bank clearance, employment, transportation routes, construction activity and mortgage recordings.

B47 - 10/25/82 28A.

John J. Lease

REALTORS

313 BROADWAY

P. O. Box 2577

NEWBURGH, N. Y. 12550

914 - 565-2800



REALTOR

ESTABLISHED 1936
SALES
APPRAISING
MORTGAGE LOANS

BROKERS

JOHN J. LEASE, SR.
JOHN J. LEASE, JR.
RICHARD F. LEASE

20 September, 1982

Mr. Richard Drake
388 Broadway
Newburgh, N.Y. 12550

Re: Harris-Brady Property

Dear Mr. Drake;

The Harris-Brady property was originally listed with our office on 15 August, 1978. At that time I placed our For Sale sign on the property and advertised in a number of newspapers. We have shown the property to approximately ten clients since the original listing date; all the prospects were interested in the real estate only if it could be used for some commercial purpose. To date I have yet to receive any inquiry concerning this real estate by anyone who would use the property for residential purposes.

As a broker for twenty-five years, it has been my experience that property located at a busy intersection such as Route 207 and Temple Hill Road does not have the appeal for residential development, especially since there are numerous truly residential parcels in quiet neighborhoods that are presently being offered for sale. It is my opinion that the present owners of this property are burdened with a residential zoning, thereby making their property practically unsaleable for this purpose.

If you should require additional information concerning this matter please contact me.

Sincerely,

John J. Lease, Jr.

JJL/fl1

(914) 565-8550

October 26, 1982

Richard J. Drake, Esq.
RIDER, DRAKE, SOMMERS & LOEB P.C.
P.O. Box 991
Newburgh, N.Y. 12550

RE: APPLICATION FOR VARIANCE - SMITH/BRADY/HARRIS
#82-9

Dear Mr. Drake:

This is to confirm that the above application for a use variance was granted at the October 25, 1982 meeting of the Zoning Board of Appeals.

Formal decision will be drafted and acted upon at a later date. I will forward a copy by return mail.

Sincerely,

PATRICIA DELIO
Secretary
ZONING BOARD OF APPEALS

/pd

cc: Town Acting Building/Zoning Officer,
Paul V. Cuomo
Town Planning Board

10/25/82 Public Hearing: Smith/Harris/Brady

Name:

Address:

Dick A. White

427 Little Britain Road, N.B., Va

John D. Sawyer

828 Broadway Ave. Appraisal Soc. Co.

Elvis D. Groves

45 Quassick Ave., New Windsor

James Smith

39 Winner Ave. Newburgh

Michael Schmidt

39 Winner Ave., Newburgh, NY

James J. Angeloni

Temple Hill Road R.D. 2

Rose Angeloni

Temple Hill Road R.D. 2

Vivian LaRocca

489 Little Britain Rd.

Paul LaRocca

489 Little Brit. Rd.

BOARD FOR A ZONE CHANGE FROM R-4 TO PO AND WAS GRANTED SAME ON JULY 16, 1992.

02/24/97 PIZZO, JOHN AREA/SIGN VARIANCES GRANTED

REQUEST FOR 27% DEVELOPMENTAL COVERAGE AND 10 FT. SIGN VARIANCE FOR FACADE SIGN IN ORDER TO CONSTRUCT A PROFESSIONAL OFFICE AT INTERSECTION OF RT. 207 AND RT. 300 FOR TAX MAP PARCEL 4-1-11.1.

4-1-11.2 SMITH/BRADY/HARRIS USE VARIANCE GRANTED
INTERSECTION TEMPLE HILL RD/RT. 207 #82-9 R-4 ZONE 11/8/82
REQUEST TO CONSTRUCT BUILDING TO HOUSE OFFICE AND LIGHT INDUSTRIAL USE IN R-4 ZONE.

4-1-12.12 DIPLOMAT MOTOR LODGE USE VARIANCE GRANTED
845 UNION AVENUE #72-9 5/1/72
PROPOSAL FOR RESTAURANT AND MOTEL

4-1-12.12 DIPLOMAT MOTOR LODGE VARIANCE - SIGN GRANTED
845 UNION AVENUE #77-27 OLI ZONE 9/26/77
REQUEST FOR 150 S.F. VARIANCE FOR FREE-STANDING DOUBLE-FACED SIGN AND 40 S.F SIGN VARIANCE FOR BUILDING SIGN.

4-1-12.11 DIPLOMAT ASSOCIATES/BANTA FOOD CO. USE VARIANCE GRANTED
REQUEST FOR EXTENSION OF NON-CONFORMING USE, A RESTAURANT, IN AN OLI ZONE.

4-1-12.12 TUNG, P. S. INC. SIGN VARIANCE GRANTED
DIPLOMAT MOTOR LODGE RESTAURANT #83-16 OLI 5/09/83
REQUEST FOR 318 S.F. SIGN AREA VARIANCE FOR MOTOR LODGE; SIGN TO DEPICT ADDED POOL, SAUNA AND RESTAURANT AT MOTEL COMPLEX AT 845 UNION AVENUE.

4-1-14 BURGESS, CLIFF & OLIVE USE VARIANCE GRANTED
412 LITTLE BRITAIN RD. #82-16 12/13/82
REQUEST FOR USE VARIANCE FOR CONSTRUCTION OF AN ADDITION TO RESIDENCE WHICH WILL BE A SECOND APARTMENT IN R-4 ZONE.

4-1-22 PIETRZAK ENTERPRISES AREA VARIANCES GRANTED
24 LITTLE BRITAIN ROAD #72-2 LOT/SETBACK/SIDEYD 2/17/72
PURCHASER DESIRES TO CONSTRUCT OFFICE/PROFESSIONAL BUILDING UPON SUBDIVISION OF ONE PARCEL INTO THREE.

4-1-24/25 CVC CAPITAL/ADVANCE BROADCASTING AREA VARIANCE GRANTED
429 LITTLE BRITAIN ROAD PI ZONE #89-26 10/23/89
REQUEST FOR 35 FT. HEIGHT VARIANCE TO ALLOW CONSTRUCTION OF RADIO RELAY TOWER AT 429 LITTLE BRITAIN ROAD IN PI ZONE (CONSTRUCTION OF 80 FT. RADIO RELAY TOWER).

4-1-24 VANACORE, DE BENEDICTUS, DI GIOVANNI SPEC.PERMIT GRANTED
& WEDDELL #86-3 PI ZONE 02/10/86
REQUEST TO LOCATE TEMPORARY OFFICE TRAILER TO REAR OF EXISTING OPERATION IN A PI ZONE LOCATED AT 429 LITTLE BRITAIN ROAD, SAID USE NOT TO EXCEED SIX (6) MONTHS FROM THE DATE OF FORMAL DECISION.

4-1-32.21 LANGANKE, HERBERT USE/AREA VARIANCE GRANTED
26 STEELE ROAD #85-48 PI ZONE 1/27/86
REQUEST FOR USE VARIANCE TO CONSTRUCT SINGLE-FAMILY RESIDENCE IN PI ZONE. ALSO, 20 FT. REAR YARD VARIANCE IS REQUIRED FOR PI ZONE.

4-1-33 PIETRZAK, ELAINE AREA VARIANCE GRANTED
7 STEELE ROAD #83-15 PI ZONE 5/23/83
REQUEST FOR 30 FT. FRONT YARD VARIANCE FOR EXISTING BUILDING LOCATED ON STEELE ROAD IN A PI ZONE.

4-1-33.1 PIETRZAK, ELAINE AREA VARIANCES GRANTED 06/09/97
14 STEELE ROAD #97-6 PI ZONE
GRANTED WERE THE FOLLOWING AREA VARIANCES: LOT #1-2,368 S.F. LOT AREA AND 42.74 FT. LOT WIDTH; LOT #2: 24,912 S.F. LOT AREA, 4.16 FT. LOT WIDTH, AND 6.5 FT. MAXIMUM BUILDING HEIGHT IN

Received & Filed 10/25/82 - ZBA.

Zoning Board of Appeals
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, New York 12550

Gentlemen:

I am presently a co-owner with my sister Gladys Sloan Brady of unimproved real property located at the intersection of Temple Hill Road and Route 207. I have entered into an agreement to sell those premises to Joseph Smith on condition that he is able to secure from the Zoning Board of Appeals a use variance permitting the construction on the premises of a building to be used for office and light manufacturing.

My sister and I have been owners of the premises since January 14, 1976 when the premises were conveyed to us by Warren Sloan, Jr. Since acquiring the property we have offered it for sale and until the agreement with Mr. Smith, we have been unable to sell the premises. We have not received any offer to purchase the property for a use which would be considered to be residential. Although my sister and I have owned the premises since 1976, the premises have been continuously owned by members of my family since 1916 when purchased from Addie L. Patten by deed dated April 1, 1916 and recorded in the Orange County Clerk's Office on April 13, 1916 in Liber 563 of deeds at page 593. Since our ownership of the property we have had it continuously listed for sale with real estate brokers and have not received any offers other than the offer referred to above. The premises on the southerly side of Temple Hill Road are zoned industrial (PI) and on the west side of Route 207 office and light industry (OLI). Our property is located on the corner of Route 207 and Temple Hill Road and lends itself more to a commercial use than residential. In my opinion our only chance of selling the property is to sell it to Mr. Smith.

Very truly yours,

Ruth Sloan Harris

Ruth Sloan Harris

555 Union Avenue
New Windsor, New York 12550

Gentlemen:

I am presently a co-owner with my sister Gladys Sloan Brady of unimproved real property located at the intersection of Temple Hill Road and Route 207. I have entered into an agreement to sell those premises to Joseph Smith on condition that he is able to secure from the Zoning Board of Appeals a use variance permitting the construction on the premises of a building to be used for office and light manufacturing.

My sister and I have been owners of the premises since January 14, 1976 when the premises were conveyed to us by Warren Sloan, Jr. Since acquiring the property we have offered it for sale and until the agreement with Mr. Smith, we have been unable to sell the premises. We have not received any offer to purchase the property for a use which would be considered to be residential. Although my sister and I have owned the premises since 1976, the premises have been continuously owned by members of my family since 1916 when purchased from Addie L. Patten by deed dated April 1, 1916 and recorded in the Orange County Clerk's Office on April 13, 1916 in Liber 563 of deeds at page 593. Since our ownership of the property we have had it continuously listed for sale with real estate brokers and have not received any offers other than the offer referred to above. The premises on the southerly side of Temple Hill Road are zoned industrial (PI) and on the west side of Route 207 office and light industry (OLI). Our property is located on the corner of Route 207 and Temple Hill Road and lends itself more to a commercial use than residential. In my opinion our only chance of selling the property is to sell it to Mr. Smith.

Very truly yours,

Ruth Sloan Harris

Ruth Sloan Harris

RECEIVED
NOR WROP & STRADAN

OCT 15 1982

408

By

Zoning Board of Appeals
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, New York 12550

Gentlemen:

I am presently a co-owner with my sister Ruth Sloan Harris of unimproved real property located at the intersection of Temple Hill Road and Route 207. I have entered into an agreement to sell those premises to Joseph Smith on condition that he is able to secure from the Zoning Board of Appeals a use variance permitting the construction on the premises of a building to be used for office and light manufacturing.

My sister and I have been owners of the premises since January 14, 1976 when the premises were conveyed to us by Warren Sloan, Jr. Since acquiring the property we have offered it for sale and until the agreement with Mr. Smith, we have been unable to sell the premises. We have not received any offer to purchase the property for a use which would be considered to be residential. Although my sister and I have owned the premises since 1976, the premises have been continuously owned by members of my family since 1916 when purchased from Addie L. Patten by deed dated April 1, 1916 and recorded in the Orange County Clerk's Office on April 13, 1916 in Liber 563 of deeds at page 593. Since our ownership of the property we have had it continuously listed for sale with real estate brokers and have not received any offers other than the offer referred to above. The premises on the southerly side of Temple Hill Road are zoned industrial (PI) and on the west side of Route 207 office and light industry (OLI). Our property is located on the corner of Route 207 and Temple Hill Road and lends itself more to a commercial use than residential. In my opinion our only chance of selling the property is to sell it to Mr. Smith.

Very truly yours,

Ed. M. Br...

Town Hall
555 Union Avenue
New Windsor, New York 12550

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Very truly yours,

Gladys Sloan Brady
Gladys Sloan Brady

RECEIVED
NORTHROP & STRADAR
OCT 9 1982

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-9
(Number)

9-17-82
(Date)

I. Applicant information:

Gladys Sloan Brady, 9074 142nd Street North, Largo, Florida
Ruth Sloan Harris, RD #5, Box 163 C, Kingston, New York 12401

- (a) _____
(Name, address and phone of Applicant)
- (b) Joseph Smith, 10 Chestnut Lane, Newburgh, New York 12550
(Name, address and phone of purchaser or lessee)
Richard J. Drake, Esq., P.O. Box 991, Newburgh, NY 12550
- (c) 914-562-8700
(Name, address and phone of attorney)
John J. Lease, 313 Broadway, Newburgh, New York 12550
- (d) 914-565-2800
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 intersection of Temple Hill Rd. 4 1 11.2 3 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? OLI and PI
- (c) Is a pending sale ~~subject~~ subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? Initially purchased in 1916, present owners inherited premises subject to this application.
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-9
(Number)

9-17-82
(Date)

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Gladys Sloan Brady, 9074 142nd Street North, Largo, Florida
Ruth Sloan Harris, RD #5, Box 163 C, Kingston, New York 12401

- (a) _____
(Name, address and phone of Applicant)
- (b) Joseph Smith, 10 Chestnut Lane, Newburgh, New York 12550
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- (d) 914-565-2800
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 intersection of Temple Hill Rd.
(Zone) (Address) 41 11.2 3 acres
(S B L) (Lot size)
- (b) What other zones lie within 500 ft.? OLI and PI
- (c) Is a pending sale ~~excluded~~ subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? Initially purchased in 1916, present owners inherited premises subject to this application.
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no

IV. USE VARIANCE:

J & H Smith Light Company purchases and assembles dualamp indicator lights and related electro-mechanical products for government and industry. The primary purchaser of the products assembled by J & H Smith is the United States Navy. The building will house the Executive Offices of J & H Smith Light Company and will have approximately 9,000 square feet of the building devoted to assembly, packaging and shipping of indicator lights and related products.

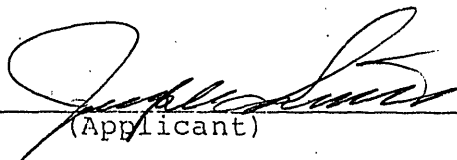
Schermerhorn and Smith will occupy 2,500 square feet of the plant for their insurance agency business and J & H Smith Light Company will occupy 1,500 square feet of the building for executive office space.

X. AFFIDAVIT

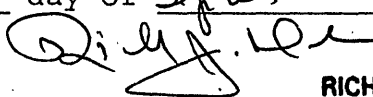
Date 9-13-84

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

17 day of Sept, 1984


RICHARD J. DRAKE
Notary Public, State of New York
Residing in Orange County
Commission Expires March 30, 1987

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____


Special Permit is _____

(c) Conditions and safeguards: _____

Date 9-13-84

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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(Applicant)

Sworn to before me this

17 day of Sept, 1951.

RICHARD J. DRAKE
Notary Public, State of New York
Residing in Orange County
Commission Expires March 30, 1987

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is

Special Permit is

(c) Conditions and safeguards:

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

DUGGAN, CROTTY & DUNN
ATTORNEYS AT LAW

STEPHEN P. DUGGAN III
PHILIP A. CROTTY
BRUCE C. DUNN, SR.

R.D. #2
TEMPLE HILL ROAD
NEW WINDSOR, NEW YORK 12550
(914) 562-6500

October 14, 1982

Mr. Richard Fenwick, Chairman
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

RE: APPEAL NO. 9
Gladys Sloan Brady and Ruth Sloan Harris

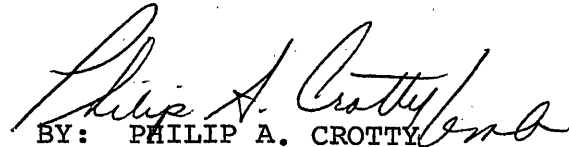
Dear Mr. Fenwick:

Please be advised that we have received the Notice of Hearing with regard to the above referenced matter, which hearing is scheduled for October 25, 1982.

Please be further advised that we support the application.

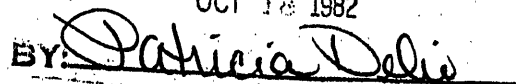
Very truly yours,

DUGGAN, CROTTY & DUNN, P.C.


BY: PHILIP A. CROTTY

PAC:emb

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

OCT 18 1982
BY: 



Louis Heimbach
County Executive

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

September 16, 1982

Mr. Richard Fenwick, Chairman
Town of New Windsor Z B A
555 Union Avenue
New Windsor, New York 12550

Re: J & H Light Corp.
Variance
Our File No. NWT-3-82M

Dear Mr. Fenwick:

We have reviewed the above application in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison
Commissioner of Planning
and Economic Development

Reviewed by Joel Shaw
Senior Planner

PG:rtt
Enclosure



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Sept. 27, 1982

Mr. Richard J. Drake
427 Little Britain Road
New Windsor, N.Y.

Re: 4-1-11.2

Dear Mr. Drake:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Paula Sarvis'.

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor

Paula King

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Meroschenkoff Mary. ✓
7 Sniffen Road
Westport Conn. 06880

Schaffner Frank & Anna ✓
510 Little Britain Road
New Windsor, N.Y. 12550

Newburgh Water Supply
c/o City Comptroller ✓
City Hall
Newburgh, N.Y. 12550

Colin Fred & Sudack Morris
c/o Texeco Inc Tax Dept ✓
PO Box 4582
Atlanta Georgia 30302

Dexion Realty Corp. ✓
PO Box 4082
Newburgh, N.Y. 12550

Sloan Warren Jr
347-351 Temple Hill Rd RD2
New Windsor, N.Y. 12550

Duggan & Crotty, Temple ✓
Hill Co
343-345 Temple Hill Rd RD2
New Windsor, N.Y. 12550

Lucas Edward & Rachel ✓
618 Union Ave.
New Windsor, N.Y. 12550

Grismer Eleanor R ✓
Ronsini Angela Eleanor
Richard Jr & Michael
Box 2013
Newburgh, N.Y. 12550

Grismer Eleanor ✓
PO Box 2013
Newburgh, N.Y. 12550

Ronsini Mario & Ruth ✓
630 Union Ave.
New Windsor, N.Y. 12550

Ronsini Nicholas ✓
42 Carter Street
Newburgh, N.Y. 12550

Ronsini C Jessie & Helen
324 Temple Hill Road ✓
New Windsor, N.Y. 12550

Angeloni Americo & Rose ✓
326 Temple Hill Road
New Windsor, N.Y. 12550

Lewin Joseph ✓
12 Catalpa Road
Newburgh, N.Y. 12550

La Rocca Frank & Doris ✓
489 Little Britain Road
New Windsor, N.Y. 12550

RIDER, DRAKE, SOMMERS & LOEB, P. C.

ATTORNEYS & COUNSELLORS AT LAW

DONALD H. McCANN
ELLIOTT M. WEINER
BERNARD J. SOMMERS
JAMES R. LOEB
RICHARD J. DRAKE
DAVID L. RIDER
STEVEN L. TARSHIS

TIMOTHY J. AHEARN
JOSEPH A. CATANIA, JR.
ALAN R. LEWIS
RICHARD F. LIBERTH
PAUL N. SILVERSTEIN
MARIA F. MELCHIORI

M.J. RIDER (1906-1968)

427 LITTLE BRITAIN ROAD
POST OFFICE BOX 991
NEWBURGH, NEW YORK 12550
TEL. (914) 562-8700

October 8, 1982

Re: OUR FILE: 23,103

2-1218
The Sentinel
Route 94
Vails Gate, New York 12584

Gentlemen:

I enclose Notice of Public Hearing Before the Zoning Board of Appeals, Town of New Windsor. This notice must be published in the October 13th edition of The Sentinel. Would you please see to it that this is published on the 13th and provide us with affidavit of publication and a statement for your services.

Should there be any problem with meeting this deadline, please contact the undersigned immediately. Thank you for your assistance.

Very truly yours,

Richard J. Drake
Richard J. Drake */cm*

RJD/cm
Enc.

cc: Patricia Delio, Secretary
New Windsor ZBA

Pat: I am sending this notice directly to the paper so we may meet the publication deadline. I tried going through your office but found you were on vacation and so I took this direct approach. Call if there is any problem with this.

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

OCT 12 1982

BY: *Patricia Delio*

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARING BEFORE ZBA - October 25, 1982
DATE: October 12, 1982

Please be advised that there will be one (1) public hearing heard before the Zoning Board of Appeals on Monday evening, October 25, 1982:

Application of
GLADYS SLOAN BRADY and RUTH SLOAN HARRIS
(owners of land)/JOSEPH SMITH (contract
vendee) for use variance;

I have attached hereto copy of the pertinent application and public hearing notice which appeared in The Sentinel.

Pat

/pd
Attachments

cc: Acting Building/Zoning Officer Cuomo

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 9

Request of GLADYS SLOAN BRADY and RUTH SLOAN HARRIS for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit the construction of an office building to permit light assembly work.

being a VARIANCE ~~SPECIAL PERMIT~~ of Section 48-9 (R-4 zone), Table of Use Regs.-Col. 1 for property situated as follows:

Intersection of Temple Hill Road a/k/a Freedom Road and Route 207, Town of New Windsor, N.Y.

SAID HEARING will take place on the 25th day of October, 1982, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

September 2, 1982

Rider, Drake, Sommers & Loeb P.C.,
P.O. Box 991
Newburgh, N. Y. 12550

Attn: Richard J. Drake, Esq.

RE: PRELIMINARY MEETING BEFORE ZBA
BRADY/HARRIS/SMITH

Dear Dick:

In accordance with our telephone conversation of this date, enclosed please find application #82-9, public hearing form notice and procedure for public hearing which will be necessary in order to seek a use variance before the ZBA.

Please contact Acting Building Inspector, Paul V. Cuomo, to determine what other variances are required, i.e. area or sign.

When completing the application, please note that same must be a joint application between the owners of the property and contract vendee.

If you have any further questions, please do not hesitate to contact my office. I have you scheduled for a preliminary meeting before the Zoning Board of Appeals on September 13, 1982 at 7:30 p.m.

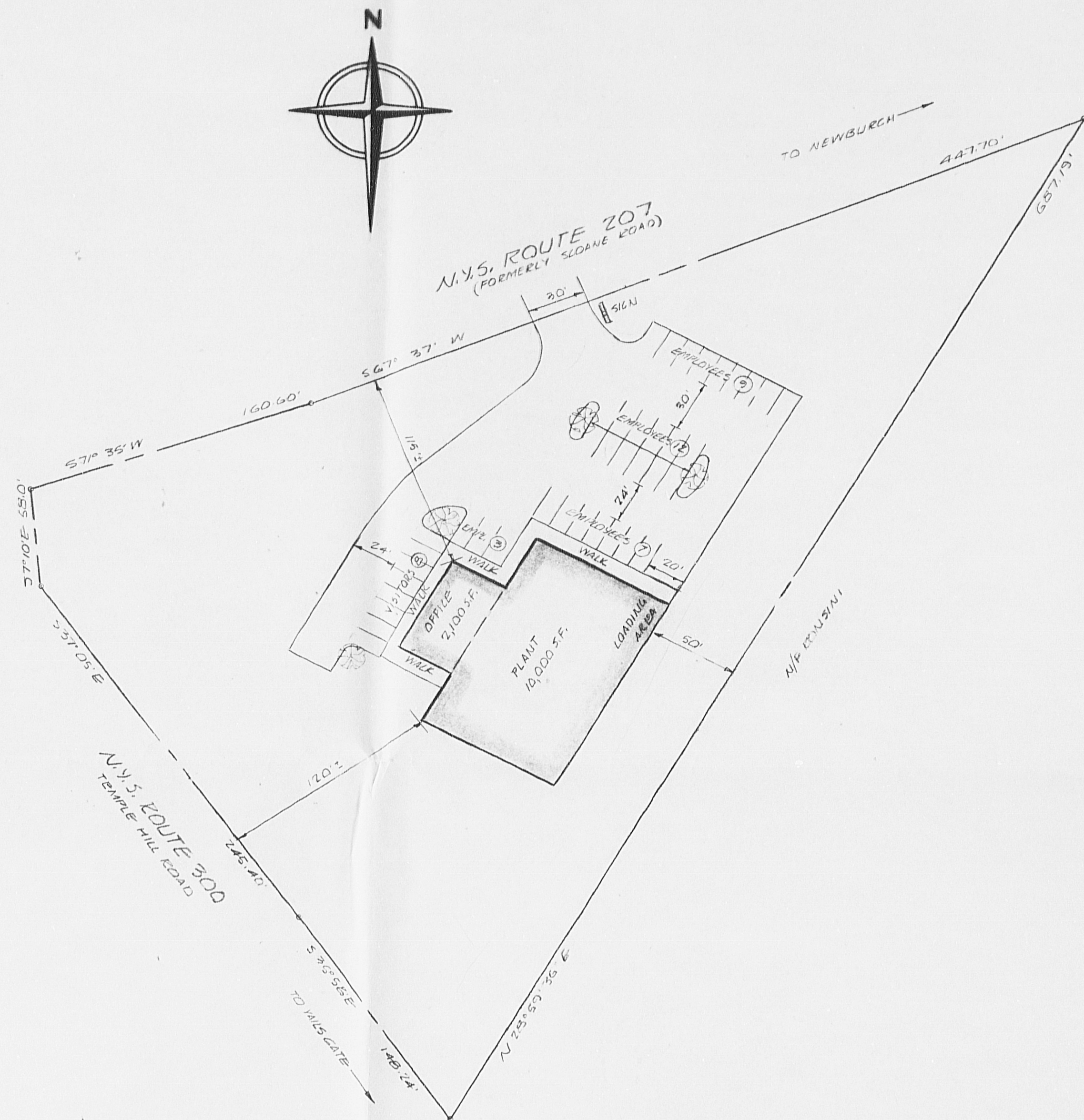
Very truly yours,

A handwritten signature in cursive script that reads 'Patricia Delio'.

PATRICIA DELIO,
Secretary

/pd

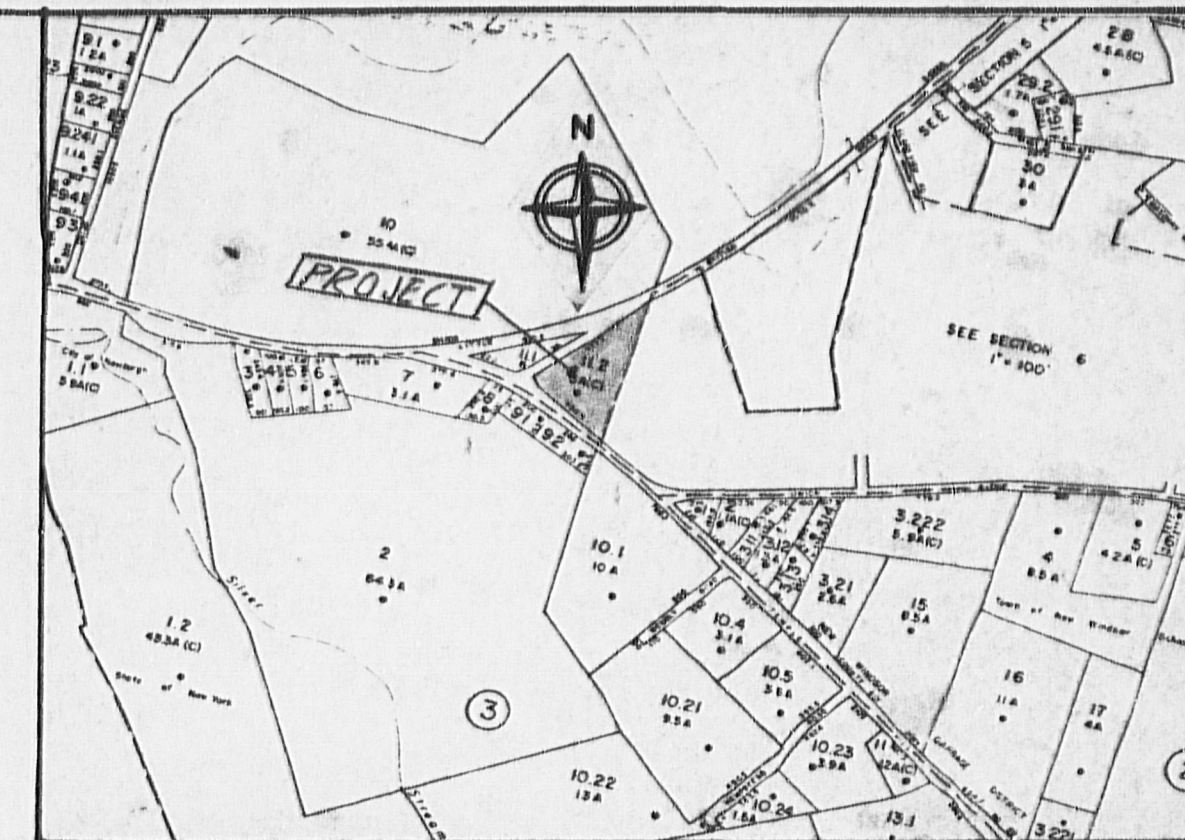
cc: Paul V. Cuomo, Acting Bldg./Zoning Officer



BULK TABLE - R-4 ZONE "

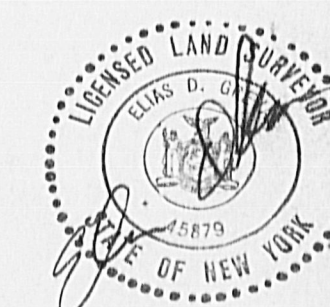
SINGLE FAMILY	LOT SIZE	LOT WIDTH	RD. FRONT Y.E.	FRONT YARD	SIDE YARD	REAR YARD	REG. NO. H.T.
REQUIRED	15,000 SF	100'	60'	35'	15'/70'	40'	35'
PROVIDED	3.1 AC	470'±	608'±	115'±	140'±/50'	50'	15-5'

* OLI ZONE REQUIREMENTS USED FOR DESIGN (VARIANCE REQUIRED)



NOTES

1. BEING A PROPOSED SITE DEVELOPMENT OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECT. 4, BLOCK 1, LOT 11.2.
2. PROPERTY OWNERS: GLADYS SLOAN BEATTY & RUTH SLOAN HARRIS
3. PROPOSED DEVELOPER: J & H SMITH LIGHT CORP
P.O. BOX 1447, 39 WISNER AVE.
NEWBURGH, N.Y. 12550
4. PROPERTY AREA: 3.13± ACRES
5. PROPERTY ZONE: R-4
6. PROPOSED USE: OFFICES & LIGHT INDUSTRY (ASSEMBLY)
7. PROPERTY LINES SHOWN HEREON ARE FROM DEED PLOTTING, SUBJECT TO AN ACCURATE SURVEY.
8. PROPOSED SIGNS: ONE FREE-STANDING AT ENTRANCE, ONE ON BUILDING FACE (PER OLI & SIGN ORDINANCE)
9. PARKING PROVIDED: 31 EMPLOYEES, 8 VISITORS



#82-9
UNAUTHORIZED ADDITION OR ALTERATION TO THIS PLAN IS A VIOLATION OF SECT. 720.9(2) OF THE N.Y.S. EDUCATION LAW.

McGOEY, HAUSER & GREVAS CONSULTING ENGINEERS 45 Quassaick Ave. (Rte. 9-W) New Windsor, New York 9 High Street Port Jarvis, New York			PLAN FOR: J & H SMITH LIGHT CORP. TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
Revision 1 Date 11 OCT. 82 Description BLDG. SIZE, ENTRANCES, PARKING, NOTES	Drawn Checked Scale As shown Date 13 Sep 1982 Job No. 11757-82	SKETCH SITE PLAN		Sheet 1 Of 1